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MA Bay Trans. Authority
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PS Form 3800, May 2000

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 Mr. Andrew Brennan
 MA Bay Trans. Authority
 Ten Park Plaza
 Boston, MA 02116-3974

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PS Form 3811, August 2001

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102595-02-M-0835



UNIT STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Andrew Brennan
Director of Environmental Affairs
Massachusetts Bay Transportation Authority
Ten Park Plaza
Boston, MA 02116-3974

Mr. Kevin Lydon, General Manager
Massachusetts Bay Commuter Railroad Corporation
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431

RE: Request for Information Pursuant to Section 308 of the Clean Water Act for the
Massachusetts Bay Transportation Authority NPDES permit MA0003590

Dear Mr. Brennan and Mr. Lydon:

This letter responds to your jointly signed letter of August 21, 2003, which requested an extension of time for submitting an updated permit application for the above referenced permit, and asked several questions regarding NPDES permits. .

In response to your request for an extension, the US Environmental Protection Agency (EPA) approves an extension of 90 days from receipt of this letter to complete the required application materials. This letter incorporates this schedule into a formal request for information, made pursuant to Section 308 of the Clean Water Act, which describes the specific information to be submitted.

In response to your question regarding the documentation which would be necessary for EPA to determine that MBTA and/or MBCR did not require an NPDES permit, EPA would require the permittee to submit documentation showing that MBTA and/or MBCR are no longer the owner/operator of the permitted oil/water separator and discharge, not a contributor to the permitted discharge, nor have any other discharge from your facility to a water of the United States which requires an NPDES permit. The documentation also must show who is the new owner/operator of the oil/water separator and discharge.

Section 308(a) of the Clean Water Act, 33 U.S.C. §1318(a), authorizes the EPA to require any

CONCURRENCES							
SYMBOL	CPE	CPB	CPE				
SURNAME	Barden	Pitt	T. Lydon				
DATE	12-15-03	12/15/03	12/12/03				

person to provide information required to carry out the objective of the Act. Pursuant to that section, the EPA requires that MBTA/MBCR submit the following information:

1. A complete NPDES permit application (Forms 1, 2C and 2F) for the Boston Engine Terminal discharge, permitted under NPDES permit MA0003590.

According to the NPDES permit issued, November 9, 1976, boiler blow down was to be removed within one (1) year of the issuance of the permit. Therefore, it is EPA's understanding that the discharge from the oil/water separator is only storm water. The permittee must detail the current operations of the facility and identify any potential pollutants which may be released. Should it be discovered that there are non-storm water contributions to this discharge, EPA will require additional sampling to what is detailed below.

Sampling for effluent characterization must be done during the first flush of a storm event. A storm event shall be defined as >0.1 inches of rain occurring 72 hours after the last measurable storm event (>0.1 inches). The first flush is defined as the first thirty (30) minutes of discharge. The variance of in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. The permittee must sample at least one representative storm event.

2. A detailed map showing the collection system that discharges to the oil/water separator, as well as any discharges which enters the outfall downstream of the oil/water separator. Please locate all discharges on the map.

The permittee shall submit any available information for all sources including sources which enter the oil/water separator from locations offsite of the MBTA property.

1. A list of the owners and operators of all the discharges to the oil/water separator or the outfall downstream of the separator including any 21E remediation activities.
2. Approximate flow quantities and characterization of all the discharges.
3. Provide copies of any permission, agreements or contracts between the MBTA, MBCR and the owners or operators listed in (3) above for the discharges.

Important Information About This Request and the Response

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond **within 90 days of receipt**, may result in an enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, which provides for administrative, civil, and criminal penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001.

The information requested herein is not subject to the requirements of the Paperwork Reduction Act.

As indicated above, all requested information must be submitted to EPA as outlined in the information request above. Information submitted pursuant to this Section 308 information request shall be sent by certified mail and shall be addressed as follows:

Roger Janson, Director, NPDES Permit Program
Office of Ecosystem Protection
United States Environmental Protection Agency
1 Congress Street, Suite 1100
Boston, MA 02114-2023
Attn: Michele Barden

If you have any questions or would like to discuss the contents of this letter, please feel free to contact Michele Barden at (617) 918-1539.

Sincerely,

Linda M. Murphy, Director
Office of Ecosystem Protection

cc: George Harding, EPA-Water Technical Unit
Peg Carson, MADEP
Sean O'Brien, Earth Tech



Massachusetts Bay Transportation Authority

Mitt Romney
Governor

Kerry Healey
Lt. Governor

Daniel A. Grabauskas
Secretary and MBTA Chairman

Michael H. Mulhern
General Manager

August 21, 2003

Mr. Roger Janson
Associate Director – Surface Water Program
U.S. Environmental Protection Agency, Region I
One Congress Street
Boston, MA 02114-2023

**Subject: NPDES Individual Permit #MA0003590
Prison Point At Boston Engine Terminal**

Mr. Janson:

This letter is sent in response to the letter from EPA to the Massachusetts Bay Commuter Railroad (MBCR), dated June 24, 2003 in which the request for the automatic transfer of the subject permit from the Massachusetts Bay Transportation Authority (MBTA) to MBCR was denied. It is our understanding that the EPA instead intends to reissue this permit naming both parties as co-permittees. To facilitate this, a new NPDES permit application must be completed. Accordingly, the EPA requested that a new NPDES permit application be submitted within 60 days of your June 24, 2003 letter.

Since receiving this request, the MBTA and MBCR have been evaluating their compliance options due to the following concerns: 1) significant flows to the permitted outfall may be conveyed from properties not owned by MBTA or operated by MBCR, 2) it is unclear if there are significant stormwater flows to the outfall from property owned by the MBTA or operated by MBCR, and 3) significant features of the stormwater system are located on property owned and operated by others including Guilford. The age of the system, development that has occurred in the area over the last fifty years and frequent transfers in ownership of parcels that could potentially convey stormwater flows to the permitted outfall are central to these concerns.

These concerns have been the subject of discussions between our consultant, Earth Tech and Ms. Michelle Barden of your office since the receipt of your letter. During the most recent discussion on August 6, 2003 we agreed to request an extension and ask for clarification. Accordingly the MBTA and MBCR respectfully request an extension of ninety days to allow us to gather the information necessary to evaluate these concerns and gather the information listed below that we anticipate will have to be submitted with the NPDES application. Furthermore, we request that EPA comment on this list as well as what documentation will be required to relieve one or both parties from having to hold a permit if during the course of preparing the permit application it is learned that no significant flows are conveyed to the outfall from property owned by MBTA and/or operated by MBCR. It is anticipated that the EPA will require that the following items be submitted with the completed NPDES application.

- 1) Detailed map showing the collection system and discharges to the outfall
- 2) List of the owners and operators of all of the discharges to the permitted outfall
- 3) Approximate flow quantities and characterization of all affected discharges
- 4) Copies of any permissions, agreements or contracts between the MBTA and/or MBCR with any of the affected discharges.

Massachusetts Bay Transportation Authority, Ten Park Plaza, Boston, MA 02116-3974

Our consultant, Earth Tech will begin to compile this information so that it may be submitted with a permit application as appropriate. If it is determined that there are stormwater flows from properties not owned by the MBTA or operated by MBCR additional time may be required to determine an appropriate course of action. The MBTA and MBCR will advise the EPA should this occur. Also, if it is determined that there are no significant flows to the outfall from property owned by MBTA and/or operated by MBCR we may request that the permit instead be held by those responsible for the flows.

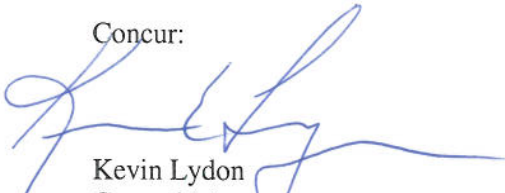
The MBTA and MBCR desire to work cooperatively with EPA and DEP to resolve this matter. As noted above, the MBTA and MBCR will need the additional time to collect information and prepare the required documentation.

Sincerely,



Andrew Brennan
Director of Environmental Affairs
Massachusetts Bay Transportation Authority

Concur:



Kevin Lydon
General Manager
Massachusetts Bay Commuter Railroad

cc: Annemarie Regan, MBTA
Gerri Scoll, MBTA
Richard Davey, MBCR
Peg Carlson, Department of Environmental Protection (DEP)
Sean O'Brien, Earth Tech

U.S. Postal Service
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6/24/03

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Sent To

Bernard Cohen, Deputy Managing
 Director
 MA Bay Commuter Railroad Co.
 32 Cobble Hill Rd. - Suite 3
 Somerville, MA 02143-4431

PS Form 3800, January 2001
 See Reverse for Instructions

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1. Article Addressed to:
 Bernard Cohen, Deputy Managing
 Director
 Mobilization
 MA Bay Commuter Railroad Co.
 32 Cobble Hill Rd. - Suite 3
 Somerville, MA 02143-4431

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2. Article Number (Copy from service label)

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PS Form 3811, July 1999

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102595-99-M-1789



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

Sent 6/24/03

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 24, 2003

Bernard Cohen, Deputy Managing Director
Mobilization
Massachusetts Bay Commuter Railroad Company
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431

Re: NPDES #MA0003590
Request for Automatic Transfer

Dear Mr. Cohen:

The United States Environmental Protection Agency (EPA) is in receipt of your May 22, 2003 letter requesting an automatic transfer of NPDES Permit #MA0003590, MBTA-Boston Engine Terminal (referred to in the letter as Prison Point Bridge at Boston Engine Terminal) from the Massachusetts Bay Transportation Authority (MBTA) to the Massachusetts Bay Commuter Railroad Company (MBCR). EPA is denying the request for an automatic transfer in accordance with 40 CFR 122.61 (b)(3) and plans to reissue this permit naming both parties as co-permittees. A new NPDES permit application for the discharge from the Prison Point facility must be completed and submitted to EPA within 60 days. (Please find the application forms enclosed, Forms 1, 2C & 2F).

EPA has been working with MBCR's consultant, Earth Tech to facilitate the transfer of North Station NPDES permit (MA0028941) from Amtrak to MBCR. EPA has accepted the automatic transfer of the existing MBTA-North Station permit from Amtrak to MBCR in order to maintain permit coverage until the permit is reissued, however, it is EPA's intention to reissue that permit to the following permittees: MBTA, MBCR and the Garden Corporation, a direct discharger to the oil/water separator which treats the discharge from the outfall authorized in NPDES permit #MA0028941. A draft of the aforementioned permit shall be public noticed in the near future.

If you have any questions or would like to discuss the matter, do not hesitate to contact Michele Barden of my staff at (617) 918-1539.

Sincerely,

Roger Janson, Associate Director
Surface Water Program
Office of Ecosystem Protection

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cc: Andrew Brennan, MBTA
Peg Carson, MA DEP
Sean O'Brien, Earth Tech

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bernard Cohen, Deputy Managing Director
Mobilization
Massachusetts Bay Commuter Railroad Company
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431

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If you have any questions or would like to discuss the matter, do not hesitate to contact Michele Barden of my staff at (617) 918-1539.

Sincerely,

Roger Janson, Associate Director
Surface Water Program
Office of Ecosystem Protection

CONCURRENCES

SYMBOL	CPE	CPE					
SURNAME	Barden	JANSON					
DATE	6/24/03	6/24/03					

cc: Andrew Brennan, MBTA
Peg Carlson, MA DEP
Sean O'Brien, Earth Tech



May 22, 2003

Mr. Brian Pitt, CPE
U.S. Environmental Protection Agency, Region I
One Congress Street
Boston, MA 02114-2023

Subject: NPDES Individual Permit #MA0003590
Prison Point Bridge At Boston Engine Terminal

Mr. Pitt:

As you are aware, the Massachusetts Bay Commuter Railroad Company (MBCR) has entered into an agreement with the Massachusetts Bay Transportation Authority (MBTA) to operate the commuter railroad system, which includes the subject facility. The stormwater that is conveyed to the oil/water separator at Prison Point is discharged under NPDES permit #MA0003590 held by the MBTA. As allowed for by 40 CFR 122.61(b), the MBCR hereby requests that the existing NPDES permit be transferred from MBTA to MBCR. Your office should be in receipt of a letter dated May 9, 2003 from Mr. Andrew Brennan, Director of Environmental Affairs for the MBTA expressing the MBTA's intent to have this permit transferred to MBCR.

MBCR will assume the responsibility for operations and complying with the terms and conditions of the permit effective July 1, 2003 for as long as the agreement between MBCR and MBTA remains in effect. The operations conducted at this facility are not expected to change.

Please call me at (617) 772-4984 if you have any questions regarding this matter.

Sincerely yours,

Bernard Cohen
Deputy Managing Director
Mobilization

cc: Annemarie Regan, MBTA
Gerri Scoll, MBTA
Peg Carlson, Department of Environmental Protection (DEP)
Sean O'Brien, Earth Tech
Karen Girard, Earth Tech



Massachusetts Bay Transportation Authority

Mitt Romney
Governor

Kerry Healey
Lt. Governor

Daniel A. Grabauskas
Secretary and MBTA Chairman

Michael H. Mulhern
General Manager

May 8, 2003

Mr. Brian Pitt, CPE
U.S. Environmental Protection Agency – Region I
One Congress Street – Suite 110
Boston, MA 02114 – 2023

Ms. Peg Carson
Massachusetts Department of Environmental Protection
205A Lowell Street
Wilmington, MA 01887

Re: NPDES Permit for MBTA Commuter Rail Facilities

Dear Mr. Pitt and Ms. Carson:

In January 2003, the Massachusetts Bay Transportation Authority (MBTA) awarded the contract to operate its commuter rail system to the Massachusetts Bay Commuter Railroad Company (MBCR). Amtrak currently operates the commuter rail system for the MBTA and is responsible for complying with applicable NPDES permit requirements. These responsibilities will continue through Amtrak's contract expiration on June 30, 2003.

The purpose of this letter is to advise the EPA and DEP that the MBCR Company will assume the responsibilities for all NPDES permitting on the commuter rail system on July 1, 2003. Seven facilities are currently covered under the Multi-Sector General Permit (MSGP) and four facilities are currently covered by Individual Permits. Listed below are the facilities that are currently covered under the NPDES MSGP:

- Bradford (Haverhill) Layover Facility - #MAR05C115
- Kingston Layover Facility - #MAR05A955
- Middleborough Layover Facility - #MAR05A954
- Needham Layover - #MAR05C11
- Newburyport Layover - #MAR05C01
- Boston Engine Terminal - #MAR05C014
- South-side Service & Inspection Facility - #MAR05B980

It is anticipated that Amtrak will file a Notice of Termination (NOT) for these permits in the near future. However, they will still be responsible for permitting requirements until their contract expires on June 30, 2003. To facilitate the transition of operational responsibilities from Amtrak to MBCR, the MBTA has requested that MBCR file the required Notices of Intent (NOI) for these facilities by June 1, 2003. Earth Tech, a sub-

Massachusetts Bay Transportation Authority, Ten Park Plaza, Boston, MA 02116-3974

Mr. Brian Pitt, USEPA
Ms. Peg Carson, MADEP
Re: NPDES Permit for MBTA Commuter Rail Facilities
May 8, 2003
Page 2 of 2

contractor on the MBCR team, is currently preparing the required NOIs and Stormwater Pollution Prevention Plans (SWPPs).

The four facilities currently covered by Individual Permits are listed below:

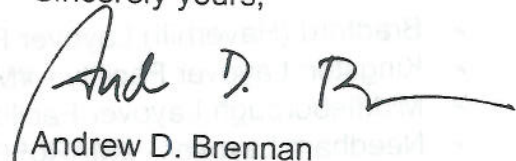
- Franklin Layover Facility - #MA0027090 (MSGP coverage requested March 17, 2003)
- Rockport Layover Facility - #MA0027081 (MSGP coverage requested March 17, 2003)
- Prison Point Bridge - #MA0003590 (permit currently held by the MBTA)
- North Station - #MA0028941 (permit application submitted in November 2002 - Pending)

Amtrak has recently filed its intent to receive coverage under the MSGP for the Franklin and Rockport Facilities, which currently have Individual Permits. It is anticipated that Amtrak will also file Notices of Termination (NOTs) for these facilities in the near future. However, as with the locations covered under an existing MSGP, Amtrak will still be responsible for permitting requirements until their contract expires. Earth Tech will therefore prepare NOIs and SWPPs required for these two locations.

Letters requesting the automatic transfer of the Prison Point Bridge and North Station Individual Permits will be submitted by MBCR no later than June 1, 2003. As you are aware, a permit application for North Station was submitted in November 2002 and is currently pending. MBCR will be assuming the responsibilities of Amtrak at North Station effective July 1, 2003. The EPA may wish to consider this as it finalizes the permit.

If you have any questions or need anything else, please call me at 617-222-3126 or at abrennan@mbta.com.

Sincerely yours,



Andrew D. Brennan
Director of Environmental Affairs

cc: A. M. Barry, MBTA
A. Regan
J. Kearney, MBTA
B. Cohen, MBCR
K. L. Girard, Earth Tech